

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TEVA PHARMACEUTICALS USA, INC.,
TEVA PHARMACEUTICAL INDUSTRIES LTD.,
and NOVOPHARM, LTD.,

Counterclaim Plaintiffs,

v.

ABBOTT LABORATORIES,
FOURNIER INDUSTRIE ET SANTÉ, and
LABORATOIRES FOURNIER S.A.,

Counterclaim Defendants.

C.A. No. 02-1512 (***)

CONSOLIDATED

IMPAX LABORATORIES, INC.,

Counterclaim Plaintiffs,

v.

ABBOTT LABORATORIES,
FOURNIER INDUSTRIE ET SANTÉ, and
LABORATOIRES FOURNIER S.A.,

Counterclaim
Defendants.

C.A. No. 03-120 (***)

CONSOLIDATED

IN RE TRICOR DIRECT PURCHASER
ANTITRUST LITIGATION

C.A. No. 05-340 (***)

THIS DOCUMENT RELATES TO:
ALL ACTIONS

CONSOLIDATED

IN RE TRICOR INDIRECT PURCHASER
ANTITRUST LITIGATION

C.A. No. 05-360 (***)

THIS DOCUMENT RELATES TO:
ALL ACTIONS

CONSOLIDATED

STIPULATION AND PROPOSED ORDER RE SCHEDULE

IT IS HEREBY STIPULATED by the Plaintiffs and the Defendants, subject to the approval of the Court, that the following modification to the schedule (*see, e.g.*, D.I. 521 and D.I. 540 in C.A. No. 02-1512) will apply:

1. Any party serving an initial expert report on December 15, 2006 to which Abbott and Fournier responded on June 29, 2007 may serve a reply report on or before October 8, 2007 to contradict or rebut evidence on the same subject matter.

2. Without prejudice to any party's position on which party has the burden of proof on the issue of product improvements, Abbott and Fournier may serve on October 8, 2007 expert reports responsive to Impax's and Teva's expert reports on product improvements previously served.

3. The parties shall work in good faith to promptly provide proposed expert deposition dates for all experts whose reports have been served as of the date of this Order and for whom deposition dates have not been agreed upon..

4. Depositions of the experts shall be completed by February 15, 2008. There shall be only one deposition for each report filed by each expert. All plaintiffs shall take a single deposition of each Abbott and Fournier expert, per each report filed by such expert. The deposition of an expert is not limited to one day of seven hours; the parties shall negotiate in good faith to establish time limits for individual expert depositions.

5. To the extent any objection to expert testimony is made pursuant to the principles announced in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), it shall be made by motion no later than March 21, 2008. Answering briefs shall be served on or before April 18, 2008. Any party wishing to file a reply brief in support of a *Daubert*

motion may ask the Court at the time of briefing for permission to file a reply brief. Absent such permission, reply briefs shall not be filed in support of a *Daubert* motion.

6. All case dispositive motions, and an opening brief, and affidavits, if any, in support of the motion shall be served and filed on or before April 4, 2008. Answering briefs shall be served and filed by May 12, 2008 and reply briefs shall be served and filed by June 13, 2008.

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SO ORDERED this ____ day of _____, 2007.

UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2007, I electronically filed the foregoing document using CM/ECF, which will send notification of such filing to all registered participants, including:

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